

**RECEIVED
CENTRAL FAX CENTER**

MAR 01 2005

Practitioner's Docket No. PC11050A

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Xuemei Cao, Gabrielle M. Zybarth

Application No.: 09/989,933

Group No.: 1648

Filed: 11/21/2001

Examiner: Shanon Foley

For: Attenuated Forms of Bovine Viral Diarrhea Virus

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

STATEMENT OF BIOLOGICAL CULTURE DEPOSIT

I, Edward F. Rehberg hereby state:

1. That the following culture(s) referred to in the specification of this application have been deposited:

Strain:

Accession number:

pBVDdN6 (bacterial plasmid)

PTA-2532

2. That the date of the above deposit is before the U.S. filing date of this application.

3. That the name and address of the depository is:

American Type Culture Collection
10801 University Blvd
Manassas, VA 20110-2209

4. That a statement that the culture(s) deposited with the above named depository was (were) viable and was (were) capable of reproduction, if appropriate, on the date of deposit is attached. Such statement is executed by the depository.

5. That, with respect to the permanence of the culture(s) deposit the depository is an official depository, in accordance with the Budapest Treaty for the above deposited culture(s).

I state that should the microorganism(s) mutate, become nonviable or be inadvertently destroyed, applicants will replace such microorganism(s) for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above-mentioned application, whichever period is longer.

6. That, with respect to availability of the culture(s), I affirm that the deposit has been made under conditions of assurance of (a) ready accessibility thereto by the public if a patent is granted whereby all

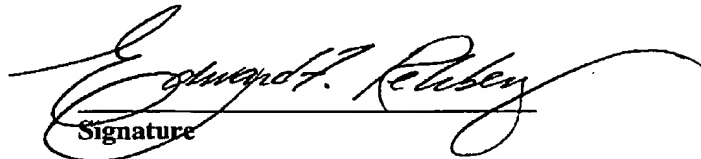
BEST AVAILABLE COPY

restrictions to the availability to the public of the culture so deposited will be irrevocably removed upon the granting of the patent (M.P.E.P. 608.01 (p)), and (b) access to the culture will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122. Evidence of the accessibility of the culture(s) as set forth above is provided in the form of the attached copy of the receipt of the above mentioned depository with respect to the deposited cultures.

2-17-05

Date

Edward F. Rehberg, #34,703


Signature

Person authorized to sign on behalf of assignee
Pfizer Inc. 235 EAST 42ND STREET, 20TH FLOOR
New York, NY 10017-5755

Title of person authorized to sign on behalf of assignee: Patent Counsel

Assignment recorded in PTO on August 19, 2002
Reel 013201 Frame 0448

Statement of Biological Culture Deposit—page 2 of 2

BEST AVAILABLE COPY

ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

To: (Name and Address of Depositor or Attorney)

Pfizer Inc.
Attn: Dr. L.H. Huang
Global Research & Development
Groton Laboratories
Eastern Point Road
Groton, CT 06340

Deposited on Behalf of: Dr. P.C. Richardson, Pfizer Inc.

Identification Reference by Depositor:
Bacterial plasmid, pBVDdN6, pACYC177 vector containing
the BVDV proviral genomes; UC 25446
(Ref: Docket or Case No.: PC11050)

Patent Deposit Designation
PTA-2532

The deposit was accompanied by: a scientific description a proposed taxonomic description indicated above.

The deposit was received October 3, 2000 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.


If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested October 4, 2000. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:



Frank Simlone, Director, Patent Depository

Date: January 19, 2001

cc: Dr. P.C. Richardson

BP49

TOTAL P.02

BEST AVAILABLE COPY